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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,227	03/25/2004	Hiroshi Kyusojin	450100-05089	6544

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FROMMER LAWRENCE & HAUG LLP
745 Fifth Avenue
New York, NY 10151

EXAMINER

HOLDER, ANNER N

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/809,227	Applicant(s) KYUSOJIN, HIROSHI	
	Examiner ANNER HOLDER	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,5,7,15,18 and 21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5,7,15,18 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/25/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/26/08 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-2, 4-5, 7, 15, 18, 21 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see page 9 lines 3-4, filed 05/23/08, with respect to the specification have been fully considered and are persuasive. The objection of the specification has been withdrawn.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-2, 4-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boon US 6,259,734 B1.

6. As to claim 1, Boon teaches an image decoder for decoding encoded motion picture data composed of plural frames of image data and for displaying the decoded motion picture data; [abstract; fig. 14] the image decoder comprising: an electric power source having consumable energy for supplying electric power to respective units of the image decoder; [Fig. 14 (10); Abstract; It would be obvious that the decoder unit is supplied with electric power] means for determining the remaining energy of said source; [fig. 14 (722); col. 36 lines 46-65] a decoding means for decoding the frames of image data of the encoded motion picture data; [Abstract; Fig. 14] at an adjustable image frame rate to provide an adjustable number of bits per pixel of the decoded motion picture; [Col. 12 lines 61-67; abstract; fig. 15; col. 39 lines 5-27] means for measuring the amount of energy that was consumed during a decoding time interval; [fig. 14; col. 36 lines 46-65] means for estimating the amount of energy anticipated to decode and display remaining motion picture data as a function of the measurement amount of energy that was consumed; [fig. 14; col. 36 lines 46-65] a displaying means for displaying each image data of the decoded motion picture data; [fig. 16 (c)] a controlling means for controlling the decoding means on the basis of a difference between said anticipated energy needed for decoding and displaying the motion picture data and the remaining energy of the electric power source dynamically control the playing quality of the motion picture data by selectively reducing number of bits per pixel. [fig. 14; col. 36 lines 46 - col. 37 line 7; col. 37 lines 15-30]

Boon does not explicitly teach a display.

However, a computer system is taught and it would have been obvious to one of ordinary skill in the art at the time the invention was made that the computer system is capable of displaying images.

7. As to claim 2, Boon teaches means for deterring the remaining energy comprises a load monitoring means for monitoring the computational load of the decoding means. [fig. 14; col. 36 lines 46-65]

8. As to claim 4, see the discussion of claim 1 above.

9. As to claim 5, see the discussion of claim 2 above.

10. As to claim 7, see the discussion of claim 1 above.

11. As to claim 15, Boon teaches an image decoder for decoding encoded motion picture data composed of plural frames of image data and for displaying the decoded motion picture data; [abstract; fig. 14] the image decoder comprising: a decoding means for decoding the frames of the encoded motion picture data; [abstract; fig. 14] a displaying means for displaying the frames of the decoded motion picture data; [fig. 16 (c)] and a controlling means for anticipating the time needed to display a predetermined number of frames on the basis of the number of frames that can be displayed during a unit time for controlling the decoding means to dynamically control the number of bits per pixel of the decoded image data on the basis of said anticipated time. [fig. 14; col. 36 lines 46-65]

12. As to claim 18, see the discussion of claim 15 above.

13. As to claim 21, see the discussion of claim 15 above.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Love et al. (US 5,745,520).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNER HOLDER whose telephone number is (571)270-1549. The examiner can normally be reached on M-Th, M-F 8 am - 3 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on 571-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ANH 09/12/08
/Tung Vo/
Primary Examiner, Art Unit 2621